

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CLERK'S MINUTES

CASE No.:	11-409 JB/WDS	DATE:	May 18, 2012
CASE CAPTION:	O'Brien, et al. v. Mitchell		
CRD:	K. Wild	COURT REPORTER:	D. Everett
COURT IN RECESS:	1:46 p.m. 3:09 p.m.	COURT IN RECESS:	2:57 p.m. = 1:11 3:54 p.m. = :46 TOTAL = 1:57

TYPE OF PROCEEDING: Motion Hearing (see below)

COURT'S RULING/DISPOSITION: Motion for Summary Judgment [27] - **TAKEN UNDER ADVISEMENT**

ORDER CONSISTENT WITH COURT'S RULING TO BE PREPARED BY: Court

ATTORNEYS PRESENT FOR PLAINTIFF(S):	ATTORNEYS PRESENT FOR DEFENDANT(S):
Santiago Juarez	Michael Dickman

PROCEEDINGS

COURT IN SESSION: 1:46 p.m.

Court: Calls case. Counsel enter appearances. Plaintiff Dennis O'Brien and Steven Ross, Santa Fe County Attorney, present with counsel. Provides disclosures regarding Mark Donatelli, Judge Pfeffer, Paul Baca and Linda Vanzi

1:48 p.m. Mr. Dickman: Argues in support of motion and responds to Court's inquiry.

Court in recess: 2:57 p.m.

Court in session: 3:09 p.m.

Mr. Juarez: Argues in response in opposition to motion and responds to Court's inquiry.

3:34 p.m. Mr. Dickman: Argues in reply in further support of motion.

3:45 p.m. Mr. Dickman: Wants to discuss procedural matter with Court...

Court: Knows there is a firm setting in August and a large gap between date of PTC and firm trial setting - will probably not be able to work on this case this month - suggests move PTC closer to August trial setting.

Mr. Dickman: Requests Court vacate trial date - believes will go up to 10th Circuit, and perhaps S.Ct., regardless of ruling. Cites to rule 56(g). Does not want Court to be rushed in getting out decision.

3:51 p.m. Mr. Juarez: Agrees.

Court: Will leave the PTC on and convert to a Status Conference - counsel can appear telephonically for same - will try to have out by 6/21. Will vacate pretrial order deadlines and vacate trial.

Counsel inform is acceptable.

Court: As to motion, first need to determine what to do with Judge Pfeffer's findings. Anything further?

Counsel indicate there is not.

COURT IN RECESS: 3:54 p.m.